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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,087

02/11/2004

Vikas Gupta

62012B (1062-010C1)

2351

25215

7590

06/30/2006

DOBRUSIN & THENNISCH PC
29 W LAWRENCE ST
SUITE 210
PONTIAC, MI 48326

EXAMINER

BLANKENSHIP, GREGORY A

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/776,087	Applicant(s) GUPTA ET AL.	
	Examiner Greg Blankenship	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 84-103 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 84-103 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/20/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 97 and 100-103 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 97 is not clearly understood because “the show surface” lacks a clear antecedent basis, it is unclear how the show surface relates to the claimed invention, and the applicant could have intended for the claim to depend from claim 96, which introduces the show surface, instead of claim 91 as written. The examiner has read the limitation to mean a show surface is attached to one of the first panel and the second panel, the show surface is exposed to view in an automotive vehicle.

Claim 100 is not clearly understood because it depends from canceled claim 63. It has been read as depending from claim 91.

Claim 101 is not clear because it is unclear how many openings are required. The phrase, “wherein one or both of the first panel and the second panel include plural rectangular openings”, is unclear because it does not state whether or not these openings are only in addition to the “opening for receiving an instrument or a gauge” or if one of the rectangular openings can also be the “opening for receiving an instrument or a gauge”. The examiner has examined the limitation to be able to include the “opening for receiving an instrument or a gauge” as one of the “plural rectangular openings”.

Claim 103 is not clear because it is unclear how many openings are required. The phrase, “wherein one...an instrument”, is unclear because it does not state whether or not these openings are only in addition to the “opening for receiving an instrument or a gauge” and the “plural rectangular openings”, of claim 101, or if the openings of claim 103 can be the openings of claim 101. The examiner has examined the limitation to be able to include the “opening for receiving an instrument or a gauge” of claim 101.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 84-89, 91-95, and 97-100 are rejected under 35 U.S.C. 102(e) as being anticipated by Delmastro (6,354,623).

Delmastro discloses an instrument panel assembly having a first molded plastic panel (12) formed of a first material joined to a second molded plastic panel (14) formed of a second, different material. The panels (12,14) extend across the vehicle. In reference to claim 91, the first material may include PC/ABS, as disclosed on lines 44-45 of column 2. The second material may include a polyolefin material and polypropylene, in reference to claim 91, as disclosed on lines 56 and 46 of column 2; respectively. The panels (12,14) define air ducts (30,32) for a vehicle cabin heating and cooling system. The first panel is joined to the

Art Unit: 3612

second panel with one or more mechanical joints that are mechanical interlocks, in reference to claims 85 and 91, as disclosed on lines 4-14 of column 6. In reference to claims 86 and 93, at least one of the panels provides a vent that is configured to open into a passenger compartment of the vehicle, as disclosed on lines 18-20 of column 5. In reference to claims 87 and 94, Figure 2 shows the lower panel (14) with flanges (38) on its topside that connect to the lower side of the upper panel (12), as disclosed on lines 54-60 of column 5. The flanges extend along sides of the panel (14). In reference to claims 88 and 95, the first material is from a different plastic family than the second material. In reference to claims 89, 97, and 100, the first and second panels (12,14) are joined to a show surface (20) that is exposed to view in an automotive vehicle, as seen in Figure 2. In reference to claims 91, 98 and 99, an opening (16) for an air bag module is formed in panel (12). This opening meets the limitation of an opening for receiving an instrument and/or a gauge because these are just the intended use of the opening. In reference to claim 92, the mechanical interlocks include a tongue and groove mechanical interlock, as disclosed on lines 4-14 of column 6, which meet the limitations for the protrusion received in a channel.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 90 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delmastro (6,354,623) in view of Brannon (5,443,775).

Art Unit: 3612

Delmastro does not disclose the show surface being a molded-in-color thermoplastic polyolefin.

Brannon teaches forming dashboards of pigmented thermoplastic polyolefin, as disclosed on lines 25-45 of column 3 and lines 55-60 of column 16.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the show surface of Delmastro of a molded-in-color polyolefin material, as taught by Brannon, to improve the aesthetics of the instrument panel assembly.

7. Claims 101 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delmastro (6,354,623) in view of Speelman et al. (US 2002/0153741).

Delmastro discloses a rectangular opening (16) in the first panel and another opening in first panel (12) for receiving the fastener shown in Figure 4. However, Delmastro does not disclose the claimed materials, a circular opening, or more than one rectangular opening. Official notice is being taken that materials that consist essentially of PC/ABS are well-known in the art with known properties as are materials that consist essentially of polypropylene.

Speelman et al. teaches forming a circular openings (52) for receiving fasteners.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to:

form the first panel of a material that consists essentially of PC/ABS to provide the desired strength and weight;

form the second panel of a material that consists essentially of polypropylene to provide the desired strength and weight,

Art Unit: 3612

form the fastener receiving hole of Delmastro with a circular shape, as taught by Speelman et al., to properly fit the fastener; and

form another rectangular opening in first panel of Delmastro to provide more space for accommodating mechanisms like instruments and gauges.

8. Claim 103 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of references, as applied to claim 102, in view of Brannon (5,443,775).

Delmastro, as modified, does not disclose the show surface being a molded-in-color thermoplastic polyolefin.

Brannon teaches forming dashboards of pigmented thermoplastic polyolefin, as disclosed on lines 25-45 of column 3 and lines 55-60 of column 16.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the show surface of Delmastro, as modified, of a molded-in-color polyolefin material, as taught by Brannon, to improve the aesthetics of the instrument panel assembly.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gab
June 22, 2006


D. GLENN DAYOAN 6/24/06
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600